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COMMENTSIntroduction

Claims 17-46 are pending. Applicants have amended claim 45 in accordance with the Examiner's comments.

Claim Rejections

A. Claims 45 and 46 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner states that the limitation in claim 45 of "deformable portion" lacks antecedent basis.

Applicants have amended claim 45 to replace "deformable portion" with deformable section, and submit that this fully addressed the rejection.

B. Claims 17-46 were rejected under 35 U.S.C. § 102(a) as being anticipated by EP 1006360 to Miller et al.

C. Claims 17-46 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,479,298 to Miller et al.

D. Claims 17-46 were rejected under § 102(e) as being anticipated by 2002/0132367 to Miller et al.

These three rejections will be addressed together.

The '298 patent was filed December 3, 1998, claiming priority of provisional applications 60/110,934 and 60/110,928, both filed December 5, 1998.

EP1006360 was filed December 6, 1999, claiming priority of provisional application 60/110,928.

Publication No. 2002/0132367 was filed March 11, 2002, as a continuation of the application which led to the '298 patent.

Thus, all three of these patent documents arose from the same provisional applications.

In the previous Amendment, applicants filed a declaration in which they stated that they are the inventors of the portion of the subject matter described in the '298 patent, but which was claimed in the present application. Attached herewith is a copy of the papers filed to correct inventorship of the '298 patent. These papers in combination

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with the previous declaration are believed to be sufficient to overcome the rejection made based on the '298 patent

Moreover, the same holds true for EP 1006360 and Publication No. 2002/0132367. These cases arose directly from the applications that led to the '298 patent. And the disclosure of those cases relied on by the Examiner in making the rejections is identical or substantially identical to the disclosure of the '298 patent relied on. Thus, applicants submit that the declaration and papers provided as to the '298 patent overcome these additional rejections.

E. Claims 17-46 were rejected under 35 U.S.C. § 102(f) as allegedly not being invented by applicants, based on U.S. Patent No. 6,409,528 to Bodnar. Attached is a Declaration under 37 C.F.R. § 1.132, signed by the inventors of the present application. The Declaration states that the aspects of a separator found in both the present application and in the Bodnar patent were invented by the present applicants. Any issues with respect to inventorship of the claims of the Bodnar patent will be addressed separately, e.g., by correction of the Bodnar patent if such action is appropriate.

Pursuant to MPEP § 2137, applicants submit this Declaration is sufficient to overcome this 102 (f) rejection.

F. Claims 17-23, 25-28, 30-40, and 42-46 were rejected under the doctrine of obviousness-type double patenting, over claims of application no. 10/095337 (publication no. 2002/0132367, referenced in the rejection above).

Applicants note that patent application serial no. 10/095337 is abandoned. Thus, this rejection is rendered moot.

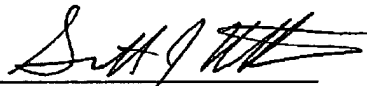
In view of the remarks and amendments herein, reconsideration of the application and allowance of all claims is respectfully requested.

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If there are any additional fees related to this Amendment, such fees should be charged to Deposit Account No. 02-1666.

Respectfully submitted,

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Date: 11-24-03

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